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FEE TRANSMITTAL for FY 2003 <small>Patent fees are subject to annual revision.</small>		Complete if Known	
		Application Number	09/247,349
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Filing Date	May 3, 1999
		First Named Inventor	Carlos de la Huerqa
TOTAL AMOUNT OF PAYMENT (\$)		Examiner Name	Coby, Frantz
		Group Art Unit	2171
		Attorney Docket No.	250591.90112

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METHOD OF PAYMENT (check all that apply)		FEE CALCULATION (continued)																																																																																																																																																																																							
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The Commissioner is authorized to: (check all that apply) <input checked="" type="checkbox"/> Charge fee(s) indicated below <input type="checkbox"/> Credit any overpayments <input checked="" type="checkbox"/> Charge any additional fee(s) during the pendency of this application <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.		<table border="1"><thead><tr><th>Fee Code</th><th>Fee (\$)</th><th>Fee Code</th><th>Fee (\$)</th><th>Fee Description</th><th>Fee Paid</th></tr></thead><tbody><tr><td>1051</td><td>130</td><td>2050</td><td>65</td><td>Surcharge - late filing fee or oath</td><td></td></tr><tr><td>1052</td><td>50</td><td>2052</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet</td><td></td></tr><tr><td>1053</td><td>130</td><td>1053</td><td>130</td><td>Non-English specification</td><td></td></tr><tr><td>1812</td><td>2,520</td><td>1812</td><td>2,520</td><td>For filing a request for <i>ex parte</i> reexamination</td><td></td></tr><tr><td>1804</td><td>920</td><td>1804</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr><tr><td>1805</td><td>1,840</td><td>1805</td><td>1,840*</td><td>Requesting publication of SIR after Examiner action</td><td>55.00</td></tr><tr><td>1251</td><td>110</td><td>2251</td><td>55</td><td>Extension for reply within first month</td><td></td></tr><tr><td>1252</td><td>400</td><td>2252</td><td>200</td><td>Extension for reply within second month</td><td></td></tr><tr><td>1253</td><td>920</td><td>2253</td><td>460</td><td>Extension for reply within third month</td><td></td></tr><tr><td>1254</td><td>1,440</td><td>2254</td><td>720</td><td>Extension for reply within fourth month</td><td></td></tr><tr><td>1255</td><td>1,960</td><td>2255</td><td>980</td><td>Extension for reply within fifth month</td><td></td></tr><tr><td>1401</td><td>320</td><td>2401</td><td>160</td><td>Notice of Appeal</td><td></td></tr><tr><td>1402</td><td>320</td><td>2402</td><td>160</td><td>Filing a brief in support of an appeal</td><td></td></tr><tr><td>1403</td><td>280</td><td>2403</td><td>140</td><td>Request for oral hearing</td><td></td></tr><tr><td>1451</td><td>1,510</td><td>1451</td><td>1,510</td><td>Petition to institute a public use proceeding</td><td></td></tr><tr><td>1452</td><td>110</td><td>2452</td><td>55</td><td>Petition to revive - unavoidable</td><td></td></tr><tr><td>1453</td><td>1,280</td><td>2453</td><td>640</td><td>Petition to revive - unintentional</td><td></td></tr><tr><td>1501</td><td>1,280</td><td>2501</td><td>640</td><td>Utility issue fee (or reissue)</td><td></td></tr><tr><td>1502</td><td>460</td><td>2502</td><td>230</td><td>Design issue fee</td><td></td></tr><tr><td>1503</td><td>620</td><td>2503</td><td>310</td><td>Plant issue fee</td><td></td></tr><tr><td>1460</td><td>130</td><td>1460</td><td>130</td><td>Petitions to the Commissioner</td><td></td></tr><tr><td>1807</td><td>50</td><td>1807</td><td>50</td><td>Processing fee under 37 CFR 1.17(q)</td><td></td></tr><tr><td>1806</td><td>180</td><td>1806</td><td>180</td><td>Submission of Information Disclosure Stmt</td><td></td></tr><tr><td>8021</td><td>40</td><td>8021</td><td>40</td><td>Recording each patent assignment per property (times number of properties)</td><td></td></tr><tr><td>1809</td><td>740</td><td>2809</td><td>370</td><td>Filing a submission after final rejection (37 CFR § 1.129(a))</td><td></td></tr><tr><td>1810</td><td>740</td><td>2810</td><td>370</td><td>For each additional invention to be examined (37 CFR § 1.129(b))</td><td></td></tr><tr><td>1801</td><td>740</td><td>2801</td><td>370</td><td>Request for Continued Examination (RCE)</td><td></td></tr><tr><td>1802</td><td>900</td><td>1802</td><td>900</td><td>Request for expedited examination of a design application</td><td></td></tr><tr><td colspan="2">Other fee (specify) _____</td><td colspan="2">SUBTOTAL (3) (\$)</td></tr><tr><td colspan="2">**or number previously paid, if greater; 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Technology Center 2100

SUBMITTED BY		Complete (if applicable)	
Name (Print/Type)	Michael A. Jaskolski	Registration No. (Attorney/Agent)	37,551
Signature	<i>M. Jaskolski</i>	Telephone	414.277.5711
		Date	11/18/02

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. 5327836

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

I hereby certify that this correspondence is being deposited with the United States Postal Services on the date set forth below as First Class Mail in an envelope addressed to: The Assistant Commissioner For Patents, Washington D.C. 20231.

Date of Signature

And
Deposit

11/8/02

Michael A. Jaskolski Reg. No. 37,551

#16



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Carlos De La Huerga
Serial No.: 09/247,349
Filed: February 10, 1999
Title: METHOD AND SYSTEM FOR AUTOMATED DATA STORAGE AND RETRIEVAL
Art Unit: 2771
Docket: 250591.90112

Assistant Commissioner for Patents
Washington DC 20231

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Technology Center 2100

Box: Non-fee Amendment

Dear Sir:

In response to the Patent Office Action dated July 31, 2002, please enter the following remarks.

REMARKS

The above referenced Office Action has been carefully reviewed and reconsideration of this application is respectfully requested in view of the above amendments and the following remarks. In the interest of clarity, the paragraph numbers below correspond to the paragraph numbers in the Office Action.

As an initial matter Applicant points out that Applicant filed the present application on July 3, 2002 and submitted an information disclosure statement including a 1449 form on July 19, 2002 (12 days after the application was filed). Despite the above timing, the Examiner issued the Office Action on July 26, 2002, to which Applicant responds here. Apparently the IDS and the Office Action passed in the mail. Nevertheless, Applicant filed the IDS well within the 3 month window of the

filing date of this application and hence the art cited in the IDS must be considered by the Examiner in this application.

To this end, Applicant discussed the outstanding IDS with the Examiner on Thursday, October 31 and the Examiner confirmed that he had not reviewed the art cited in the IDS in connection with this application. The examiner suggested that Applicant respond to the outstanding Office Action and attach a copy of the 1449 form for the Examiner to consider. To this end, Applicant responds here in the manner suggested and the attached copy of the 1449 form and requests that the Examiner consider all of the art cited in the attached form when formulating a response to this communication.

1-2. The Office Action rejected each of claims 20 and 21 in the above referenced Office Action under the judicially created doctrine of obviousness-type double patenting over US patent No. 5,903,889 (hereinafter "the '889 patent"). Applicant states that here that the '889 patent and the present application are commonly owned.

Applicant also states that, in the event that the Examiner does not reject the claims in the present case in light of the references cited in the attached 1449 form, Applicant will file a terminal disclaimer to overcome the rejection of claims 20 and 21 as suggested by the Examiner.

3. Applicant thanks the Examiner for indicating that each of claims 1-19 and 22-43 are allowed over the references considered. Nevertheless, as indicated above, Applicant requests that the Examiner consider each of claims 1-19 and 22-43 in light of all of the references cited in the attached 1449 form.

Applicant has introduced no new matter in making the above amendments and antecedent basis exists in the specification and claims as originally filed for each amendment. In view of the above amendments and remarks, Applicant believes claims 1-19 and 22-43 of the present application recite patentable subject matter and allowance of the same is requested. With respect to claims 20 and 21,


Carlos De La Huerga
Serial No.: 09/247,349
AMENDMENT
Page 3

Applicant has indicated that Applicant will file a terminal disclaimer to place those claims in condition for allowance in the event that the Examiner does not reject those claims for some other reason. No fee in addition to the fees already authorized in this and accompanying documentation is believed to be required to enter this amendment, however, if an additional fee is required, please charge Deposit Account No. 17-0055 in the amount of the fee.

Respectfully submitted,

CARLOS DE LA HUERGA

Date: 11/8/02

By: 
Michael A. Jaskolski
Reg. No. 37,551
Attorney for Applicant
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